
STATUTORY INSTRUMENTS

2015 No. 1555

**The Electricity (Competitive Tenders for Offshore
Transmission Licences) Regulations 2015**

PART 15

DISQUALIFICATION FROM A TENDER EXERCISE OR TENDER ROUND

Disqualification

27.—(1) Where the Authority is satisfied that any of the events in Schedule 9 are occurring or have occurred and that the occurrence would materially affect the outcome of a tender exercise or tender round, it must disqualify that developer, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder, as the case may be, from the tender exercise or tender round by giving notice to that effect to that developer, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder, as the case may be.

(2) Where the developer has been disqualified in accordance with paragraph (1), the Authority must—

- (a) with respect to the payment that has been made in accordance with regulation 10(1)(a), including any interest which may have been accrued on the whole or part of that payment, not repay the payment wholly or in part; and
- (b) with respect to the security provided in accordance with regulation 10(1)(b), including any interest which may have been accrued where that security provided is a monetary deposit, determine that the security is to be forfeited wholly or in part as the Authority determines is reasonable for the purpose of recovering the Authority's tender costs.

(3) Before the Authority recovers an amount from security in accordance with the determination under paragraph (2)(b) the Authority must give notice to the developer requiring the developer to make a payment to the Authority of that amount.

(4) Where a bidder, qualifying bidder, preferred bidder or successful bidder has been disqualified in accordance with paragraph (1), the Authority must not repay wholly or in part any payment that has been made by that bidder, qualifying bidder, preferred bidder or successful bidder in accordance with these Regulations, including any interest which may have been accrued on the whole or part of that payment.

(5) Where a bidder, qualifying bidder, preferred bidder or reserve bidder, as the case may be, has been disqualified from the tender exercise or tender round in accordance with paragraph (1), no document, tender or any information submitted by that bidder, qualifying bidder, preferred bidder or reserve bidder to the Authority may be taken into consideration for the purpose of determining the successful bidder in respect of each qualifying project to which that tender exercise or tender round relates.